

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

HUMPHREYS & PARTNERS
ARCHITECTS, L.P.,

Plaintiff,

vs.

COMMERCIAL INVESTMENT
PROPERTIES, INC., STUDIO951,
LTD., LUND COMPANY, and EAST
LAKE FLATS, LLC,

Defendants.

4:19CV3046

AMENDED PROGRESSION ORDER

The matter is before the court on the parties' joint motion to extend certain progression deadlines, (Filing No. 90). After consideration, IT IS ORDERED that the final progression order extended as follows:

- 1) The trial and pretrial conference will not be set at this time. The court previously set a status conference to discuss case progression and the parties' interest in settlement for **February 9, 2021 at 9:00 a.m.** That conference remains set for the foregoing time and date.
- 2) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is November 13, 2020. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by November 27, 2020.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 3) The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s): December 11, 2020.

For the defendant(s): January 13, 2021.

Plaintiff(s)' rebuttal: January 25, 2021.

4) The deadlines for complete expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s): January 13, 2021.
For the defendant(s): February 15, 2021.
Plaintiff(s)' rebuttal: February 26, 2021.

5) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is March 26, 2021.

6) The deadline for filing motions to dismiss and motions for summary judgment is April 23, 2021.

7) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is April 23, 2021.

8) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.

9) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 10th day of November, 2020.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.